

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

AIKEN DIVISION

Beattie B. Ashmore, In His Capacity as)	
Court-Appointed Receiver for the Three)	C/A No. 3:12-1586-MBS
Hebrew Boys,)	
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
Florence McRay,)	
)	
Defendant.)	
_____)	

Plaintiff Beattie B. Ashmore, in his capacity as court-appointed Receiver for the Three Hebrew Boys, filed a complaint on June 12, 2012, alleging that Defendant Florence McRay profited in the amount of \$129,840.32 as the result of participating in a fraudulent investment scheme perpetrated by Tony Pough, Joseph Brunson, and Timothy McQueen, also known as the “Three Hebrew Boys.” Plaintiff asserts causes of action for fraudulent transfer, unjust enrichment, imposition of an equitable mortgage/deed of trust, constructive/resulting trust, and equitable lien.

On July 5, 2012, the court issued a proper form order directing Defendant to submit fully completed and signed answers to Rule 26.01 Interrogatories by July 30, 2012. When there was no response, a second request was made of Defendant on July 31, 2012. Defendant did not respond to the proper form order.

On August 9, 2012, the court issued an order directing Defendant to file her answers to Rule 26.01 Interrogatories on or before August 24, 2012. Defendant specifically was advised that her failure to comply with the August 9, 2012 order could result in the imposition of sanctions, both

monetary and dismissal of all causes of action and/or all defenses. Defendant failed to timely respond to the court's August 9, 2012 order. However, on August 27, 2012, the Office of the Clerk of Court received Defendant's copy of the proper form order, marked by her "REFUSE TO CONTRACT."

On November 14, 2012, the court issued an order directing Defendant to inform the court in writing within fifteen (15) days after the date of the order of any reason that she should not be held in default and judgment should not be entered against her for the relief sought in the complaint. Defendant specifically was cautioned that failure to respond to the court's order would result in a default judgment being entered against her. Nevertheless, Defendant elected not to respond to the court's order.

Accordingly, IT IS ORDERED that judgment be entered in favor of Plaintiff in the amount of \$129,840.32, plus interest at the legal rate. The court is informed that Plaintiff waives his request for attorneys' fees and costs.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 15, 2013